

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BLOOMBERG L.P.,

Plaintiff,

- against -

THE UNITED STATES DEPARTMENT OF
THE TREASURY, and THE FINANCIAL
CRIMES ENFORCEMENT NETWORK,

Defendants.
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Case No. 1:25-cv-3235

COMPLAINT

1. Plaintiff BLOOMBERG L.P. files this Freedom of Information Act (“FOIA”) lawsuit under 5 U.S.C. § 552 after its reporter Jessica Brice submitted a request to Defendants U.S. DEPARTMENT OF THE TREASURY and THE FINANCIAL CRIMES ENFORCEMENT NETWORK, for a copy of updated versions of previously disclosed documents and information concerning reports of currency or monetary instruments crossing the United States borders.

2. To date, BLOOMBERG L.P. has received no records in response to that request.

PARTIES

3. Plaintiff BLOOMBERG L.P. (“BLOOMBERG”) is a Delaware corporation with its principal place of business in New York, NY.

4. Defendant U.S. DEPARTMENT OF THE TREASURY (“TREASURY”) is a federal agency subject to the Freedom of Information Act.

5. Defendant FINANCIAL CRIMES ENFORCEMENT NETWORK (“FinCEN”) is a bureau within the U.S. DEPARTMENT OF THE TREASURY subject to the Freedom of Information Act.

JURISDICTION AND VENUE

6. This case is brought under 5 U.S.C. § 552 and presents a federal question conferring jurisdiction on this Court.

7. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

BACKGROUND

8. FinCEN, a bureau within the TREASURY, safeguards the U.S. financial system from illicit activity, combats money laundering, and promotes national security by collecting, analyzing, and disseminating financial intelligence. FinCEN also collects and maintains a database of suspicious activities and transactions reported by financial institutions.

9. CMIRs (Reports of International Transportation of Currency or Monetary Instruments) are forms used to report the physical transportation, mailing, or shipping of currency or monetary instruments in an aggregate amount exceeding \$10,000 into or out of the United States.

10. FinCEN maintains detailed data on all CMIR filings.

11. On February 13, 2025, BLOOMBERG requested via the FinCEN portal (the “Request”):

a. All documents released as part of a previous Freedom of Information Act request and response, #FinCEN 2016-489, including the tables titled “FY 2013 Southwest CMIR Filings by Port Code and Amount;” “CMIR Data on Mexico Foreign Departures by Port of Entry Code and Name for Filing Dates 01/01/2001 through 08/30/2014;” ‘CMIR Counts by Month;’ and ‘CMIR Counts by Year.’”

b. Subsequent versions of “Southwest CMIR Filings by Port Code and Amount” for each fiscal year between 2014 and 2024.

c. An updated version of the data found in table “CMIR Data on Mexico Foreign Departures by Port of Entry Code and Name for Filing Dates 01/01/2001 through 08/30/2014.”¹

d. An updated version of the data found in “CMIR Counts by Month.”²

e. An updated version of the data found in “CMIR Counts by Year” that runs from 2015 through 2024.

12. A true and correct copy of the Request is annexed hereto as Exhibit A.

13. On February 14, 2025, FinCEN acknowledged the Request, and assigned it Case Number #2025-FINF-00147.

14. A true and correct copy of that acknowledgment is annexed hereto as Exhibit B.

15. FinCEN previously disclosed a portion of the records sought by the Request in response to a separate FOIA request submitted in 2016, assigned Case Number #FinCEN 2016-489.

16. A true and correct copy of FinCEN’s response in Case Number #FinCEN 2016-489, along with its production of responsive records, is annexed hereto as Exhibit C.

17. More than twenty working days have elapsed since the Request was received by FinCEN.

18. As of the date of this Complaint, BLOOMBERG has not received any additional response from FinCEN, nor has it received any documents responsive to its Request.

COUNT I – VIOLATION OF FOIA

19. The above paragraphs are incorporated herein.

¹ The request indicated that Bloomberg is seeking a copy of this report covering the period starting from August 30, 2014, to the date upon which Bloomberg’s request is processed.

² The request indicated that Bloomberg is seeking monthly data starting from January 1, 2024, up to the date upon which Bloomberg’s request is processed.

20. The TREASURY and FinCEN are agencies subject to FOIA.

21. BLOOMBERG made a FOIA request to FinCEN, a component of the TREASURY for agency records.

22. The requested records are not exempt from disclosure.

23. The requested records have been previously released pursuant to a FOIA request in 2016, thus establishing a precedent for disclosure. *See* Ex. C.

24. Both FinCEN and the TREASURY have failed to respond to the Request or produce the requested records, and have thus, failed to discharge their obligations under FOIA.

WHEREFORE, BLOOMBERG asks the Court to:

- i. Order FinCEN and the TREASURY to conduct a reasonable search for records, produce all non-exempt requested records, and provide a valid legal basis for any withholdings;
- ii. Award BLOOMBERG attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: New York, New York
April 17, 2025

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Jeremy Chase
Jeremy Chase

1251 Avenue of the Americas, 21st Floor
New York, NY 10020-1104
(212) 489-8230 Phone
(212) 489-8340 Fax
jeremychase@dwt.com

Attorney for Bloomberg L.P.